

VZCZCXRO2761
PP RUEHBZ RUEH DU RUEHMR RUEHPA RUEHRN RUEHTRO
DE RUEHPL #0411 3561207
ZNY CCCCC ZZH
P 221207Z DEC 09 ZDK
FM AMEMBASSY PORT LOUIS
TO RUEHC/SECSTATE WASHDC PRIORITY 4893
INFO RUEHZO/AFRICAN UNION COLLECTIVE PRIORITY
RHMFISS/HQ USAFRICOM STUTTGART GE PRIORITY
RHMFISS/CJTF HOA PRIORITY

C O N F I D E N T I A L PORT LOUIS 000411

SIPDIS

L FOR JLANDSIDLE; S/P FOR PHARRELL

E.O. 12958: DECL: 12/22/2019

TAGS: [PREL](#) [PGOV](#) [KPIR](#) [MARR](#) [PHSA](#) [EWWT](#) [PBTS](#) [SE](#)

SUBJECT: SEYCHELLES SERIOUS ABOUT PIRACY PROSECUTIONS;
HIGH-SECURITY WING TO BE BUILT AT PRISON

REF: A. (A)PORT LOUIS 00402

[1](#)B. (B) PORT LOUIS 0143

[1](#)C. (C) PORT LOUIS 0169

Classified By: CDA Barrie Walkley for reasons 1.4 (b) and (d)

[1](#)1. (C) SUMMARY: Seychelles will charge the eleven recently-captured Somalis with piracy, but arraignment has been delayed for two weeks. Seychelles has accepted an offer from UNODC and the EU to construct a 40-bed maximum-security wing at the country's only prison to house pirates and other high-risk prisoners. END SUMMARY

[1](#)2. (U) The eleven Somali pirates seized by the Seychelles Coast Guard vessel "Topaz" on December 6 were scheduled to be formally arraigned in court in Victoria on December 18. At the court hearing, however, the Attorney General was granted an additional 14 days to prepare the case.

[1](#)3. (C) In a meeting later the afternoon of December 18, Jean-Paul Adam, Secretary of State at the Presidency, assured CDA Walkley that Seychelles is serious about piracy issues and that the eleven Somalis seized by the "Topaz" will be prosecuted on piracy charges (Seychelles law is based on British common law and the Attorney General believes there are sufficient precedents to allow the eleven to be charged with piracy, rather than some lesser crime). Adam blamed the arraignment delay on the shortage of Somali-speaking translators in Seychelles, which has held up questioning of the eleven. (FYI: At least one additional translator arrived in Seychelles December 19).

[1](#)4. (C) Adam says Seychelles continues to believe the case against the eleven is virtually airtight: pirates on the skiffs fired at the "Topaz" and were then captured, there was continuous overhead observation by an EU surveillance plane, the mother ship had weapons on board (3 AK-47s, ammunition, 1 RPG projectile -- plus 2 cellphones and a GPS, which it is hoped may provide additional information. Other weapons were lost when the two skiffs sank). The incident occurred at approximately 50 degrees east and 4 degrees south.

[1](#)5. (C) In the past, Seychelles has been reluctant to charge pirates because of the problem of housing them after trial. Montagne Posee Prison, located in Victoria and the only penal facility in Seychelles, is already overcrowded and contains no high-security section. That problem is about to be solved: on December 16, the Seychelles government formally accepted a UNODC/EU proposal for the construction of a maximum-security wing at the prison to house pirates and other "high-risk" criminals. The UNODC/EU proposal totals approximately 2.5 million dollars and includes construction of the new 40-bed wing, along with programs to provide guard training and uniforms. According to Matthew Forbes, the British High Commissioner, construction is to start in January, with a target completion date of April/May 2010.

¶6. (C) Jean-Paul Adam insists that Seychelles does not want any pirates housed with the general prison population, fearing a "radicalization" or "contamination" of local prisoners. Nor, however, does Seychelles want the appearance of a "pirate gulag." The solution, thus, is the wing for high-risk prisoners, including pirates. FYI: The eleven Somali pirates are currently being held at a local police station.

¶7. (C) COMMENT: The decision of the Seychelles to prosecute the eleven Somalis for piracy (rather than a lesser charge) is a breakthrough which might serve as a precedent for trials elsewhere. The agreement for construction of the high-security wing at the prison in Victoria is also a breakthrough (Seychelles had been pushing for a new prison to be built on Coetivy Island, about 200 miles out from Victoria). It remains to be seen, however, how many additional pirate cases Seychelles will be willing to accept and prosecute, especially if those case do not have the direct Seychelles connection offered by the "Topaz" incident.

WALKLEY